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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*.
The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A
of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PUBLIC SAFETY (MEASURES) ENFORCEMENT BILL, 2022.

GUJARAT BILL NO. 6 OF 2022.

A BILL

*to provide for the Public Safety Measures at the Establishments in the State of
Gujarat.*

WHEREAS it is expedient to provide for the Public Safety Measures at the Establishments in the State of Gujarat and for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Public Safety (Measures) Enforcement Act, 2022.
- (2) It extends to such areas as may be identified and notified by the Government in the *Official Gazette* from time to time.
- (3) It shall come into force in such areas as notified under sub-section (2) above from such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,-
- (a) “District Magistrate” shall include Additional District Magistrate;
 - (b) “Government” means the State Government of Gujarat;
 - (c) “Notification” means a notification published by the Government in the *Official Gazette* and the word “notified” shall be construed accordingly;
 - (d) “prescribed” means prescribed by rules under this Act;
 - (e) “Public Safety Measures” means Access Controls or Closed Circuit Television (CCTV) Camera Systems at entry and exit points of the establishments and their designated parking areas by installing,-
 - (i) Access Controls through physical or technical means or both;
 - (ii) Closed Circuit Television (CCTV) Camera Systems with a provision for storage of video footage for thirty days;
 - (iii) The technical equipment, as per the specifications as may be prescribed.
 - (f) “Public Safety Committee” means the Committee constituted by the State Government under sub-section (1) of section 4.

Liability to provide Public Safety Measures.

3. (1) Every owner or manager or the persons running an establishment frequented by such number of people or having such number of average footfalls per day or likelihood of gathering of such number of people at a time as the Government may by notification declare, shall provide and maintain public safety measures for the safety and security of the people visiting such establishments.
- (2) Every owner or manager or the persons running such establishment shall save and store video footage properly for a period of thirty days and shall provide the same as and when required by an authority as may be notified by the Government.

Constitution and functions of Public Safety Committee.

4. (1) The State Government shall constitute the Public Safety Committee for one or more areas for the purposes of this Act.
- (2) The Public Safety Committee shall consist of such number of representatives with such designations and such other persons as may be prescribed.
- (3) The Public Safety Committee shall identify establishments under the Act, maintain the records of the establishments, may visit the establishments for threat assessment, issue instructions to the establishments regarding the public safety measures and carry out such other functions as may be prescribed.
- (4) The Public Safety Committee may constitute such number of Public Safety Sub-Committees under it to assist the Public Safety Committee in the effective implementation of public safety measures.
- (5) It shall be obligatory for the establishments to deploy such public safety measures as are ascertained and recommended in writing by the Public Safety Committee, within six months.

Powers of Public Safety Committee or Public Safety Sub-Committee to inspect the premises.

5. (1) Any officer of the Government duly authorized by the Public Safety Committee or Public Safety Sub-Committee of the area concerned may, at reasonable hours of the day and after giving notice of at least two days, enter into any premises of any establishment for inspection of the installation and

submit a report to the Public Safety Committee in case of any default or violation. The Public Safety Committee may issue necessary instructions in writing to the establishment and the same shall be complied within a period of one month.

- (2) In case of failure of any establishment in complying with the inspection report, the Public Safety Committee may levy a penalty to the owner or manager or persons running such establishments –
 - (i) for the first month of default – Rs.10,000;
 - (ii) for the subsequent months of default– Rs.25,000 per month.
6. (1) Any person or establishment aggrieved by the recommendation of the Public Safety Committee under sub-section (3) of section 4 or the order of the Public Safety Committee imposing penalty under sub-section (2) of section 5 within thirty days from the date of concerned order may prefer appeal to the District Magistrate. **Appeal.**
- (2) The District Magistrate may, after giving an opportunity of hearing to the appellant pass such order as he may deem fit.
- (3) The establishment shall comply with the orders of the District Magistrate and pay the penalty within thirty days from the date of issue of such orders.
- (4) In case any establishment makes default in payment of penalty, the same shall be recovered as an arrear of land revenue.
7. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. **Saving.**
8. No suit or legal proceedings shall lie against the members of the Public Safety Committee or the Public Safety Sub-Committee or any member of such Committee or the District Magistrate in respect of anything which is done or intended to be done in good faith under this Act or any rules made thereunder. **Protection of action taken in good faith.**
9. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act. **Power to make rules.**
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.
- (3) All rules made under this section shall be laid for not less thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
10. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an Order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: **Power to remove difficulties.**

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.
- (2) Every order made under this section shall be laid as soon as possible, after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

Gujarat has witnessed rapid industrialization, urbanization and expansion of business activities. The commercial and industrial establishments, religious places, educational institutions, hospitals, sports complexes, railway stations, bus stations, places of organized congregations and such other establishments attract a large number of people and they are vulnerable to crime and security threat. A large number of CCTV Cameras have been installed in the State to improve the safety and security of the citizens. There is an urgent need for strengthening the safety measures in such establishments to enhance safety of general public. The Gujarat Public Safety (Measures) Enforcement Bill, 2022 seeks to make it mandatory for the installation of CCTV Camera Systems and Access Control Measures for certain category of establishments. It also seeks to standardise the above safety measures and provide access to video footages to law enforcement agencies for the purpose of prevention, detection and investigation of criminal cases.

This Bill seeks to achieve the aforesaid purposes.

The following notes on clauses explain, in brief, the important provisions of the Bill:-

- Clause 1.-** This clause provides for short title, extent and commencement of the Act.
- Clause 2.-** This clause defines certain terms used in the Bill.
- Clause 3.-** This clause provides for the liability of the Establishments to provide and maintain public safety measures for the safety and security of the people visiting such establishments.
- Clause 4.-** This clause provides for constitution and functions of Public Safety Committee.
- Clause 5.-** This clause provides for the powers of Public Safety Committee or Public Safety Sub-Committee to inspect the premises of any establishment by an officer authorized by such committee. It also provides for the penalty to be levied by the Public Safety Committee in case of failure of any establishment in complying with the inspection report.
- Clause 6.-** This clause provides for the appeal to be preferred by any person or establishment aggrieved by the recommendation of the Public Safety Committee or the order of the Public Safety Committee imposing penalty within thirty days from the date of concerned order.
- Clause 7.-** This clause provides that the provisions of the Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.
- Clause 8. -** This clause provides for usual indemnity for acts done in good faith.
- Clause 9.-** This clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.
- Clause 10.-** This clause empowers the State Government to remove, by notification in the *Official Gazette*, difficulties arising within a period of three years from the commencement of the Act.

HARSH SANGHAVI,

FINANCIAL MEMORANDUM

Clause 4 of the Bill seeks to empower the State Government to constitute the Public Safety Committee for one or more areas. Hence, the Bill, if enacted and brought into force would involve expenditure from the Consolidated Fund of the State. However, at present, it is not possible to ascertain the exact amount of grant to be made available for such purpose.

HARSH SANGHAVI,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1.- (i) Sub-clause (2) of this clause empowers the State Government to identify, by notification in the *Official Gazette*, the areas to which the Act shall be extended.

(ii) sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force in the areas as notified under sub-clause (2) of this clause.

Clause 2.- Sub-clause (e) of this clause empowers the State Government to prescribe by rules, the specifications for the public safety measures such as Access Controls or Closed Circuit Television (CCTV) Camera Systems and technical equipment to be installed at entry and exit points of the establishments and their designated parking areas.

Clause 3.- (i) Sub-clause (1) of this clause empowers the State Government to declare, by notification in the *Official Gazette*, -

- (a) the number of people who frequented the establishments;
- (b) the number of average footfalls per day of the establishments;
- (c) the number of people likely to be gathered at a time.

(ii) Sub-clause (2) of this clause empowers the State Government to notify the authority who shall require the video footage from the owner or manager or the persons running the establishment

Clause 4.- (i) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the number of the representatives, their designations and the other persons of the Public Safety Committee;

(ii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the functions other than the functions as specified therein.

Clause 9.- This clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 10.- This clause empowers the State Government to remove, by notification in the *Official Gazette*, difficulties arising within a period of three years from the commencement of the Act.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 22nd March, 2022.

HARSH SANGHAVI.

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,

Dated the 22nd March, 2022.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

